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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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RATNER AND PRESTIA  
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EXAMINER

KOSTAK, VICTOR R

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 12/01/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/899,350

Applicant(s)

KUROKAWA, KOYA

Examiner

Victor R. Kostak

Art Unit

2611

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,11 and 13 is/are rejected.
- 7) ☒ Claim(s) 3,8,10,12 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All   b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3 and 8.                      6) ☐ Other: \_\_\_\_\_

Art Unit: 2611

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

or (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Wells.

The wearable display system of Wells (noting Figs. 1 and 5) includes a display unit 10D having a clip for attachment to device 36, and main body 34 which contains electronics and provides programming to the display through cable 32. As can be seen, the main unit 34 can be placed on the surface of another object, thereby meeting claim 1.

As for claim 4, the display component and main body are devices that can be separated as seen by the plug connector on the main body.

2. Claims 2 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Bjorklund et al.

The portable display system of Bjorklund (noting particularly Figs. 2 and 6-9) includes display component 195 that has a clip 80 for attachment to another object 113 (col. 6 lines 28-32), and a main body 113 which contains electronics for providing the display with programming, and which main body also has a clip 70 (Fig. 7) which serves as a hook for mounting on a person's belt, the belt being the claimed further object, thereby meeting claim 2.

As for claim 9, display 195 and main unit 113 can be separable (noting the wireless connection shown in Fig. 2, as well as typically disconnectable wired communication of the embodiment shown in Fig. 8).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells in view of Poon et al.

Wells also allows for audio presentation (col. 2 lines 16-19), and mentions in general terms that audio headphones may be used (col. 7 lines 13-15), thereby giving an implicit suggestion of any suitable type of headphone being allowed to be used.

Poon discloses a headphone which enables hinge (and swivel) motion (e.g. col. 1 lines 55-59). In view of the fact the Wells neither specifies nor excludes any one type of headset it would accordingly have been obvious to use any suitable available headphone as that used by Poon which has hinges, for the purpose of providing adjustability which accommodates fitting.

As for claims 6 and 7, Poon also includes an ear hook 30 shown as C-shaped headphone part 32 for attachment to the user's ear (col. 2 lines 53-56), which reads on the claims additional object.

Art Unit: 2611

4. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bjorklund et al. in view of Carroll.

Bjorklund points out that his wearable computer can include any of associated components mounted on belt 20 (col. 2 lines 49-55).

Carroll also discloses a wearable computer and specifies that associated speakers can also be worn on the belt (Fig. 10: col. 5 lines 47-51).

In view of the fact that speakers are well known components of a complete computer system as evidenced by Carroll, and in view of the fact that Bjorklund allows for any computer-associated components to be worn on belt 20 as is the computer itself, it would therefore have been obvious to one of ordinary skill in the art to hang speakers using the clip/hook attachment means used by Bjorklund.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bjorklund et al. in view of Carroll and Poon et al.

As discussed above, speakers are devices typically included in computer systems, as taught by Bjorklund in view of Carroll. Carroll also mentions that speakers can be head worn (col. 5 lines 54-57), which suggests that the speakers be appropriately fitted for practicality and comfort.

As was also explained, Poon discloses a headphone, which enables hinge (and swivel) motion (e.g. col. 1 lines 55-59). In view of the fact that Carroll does not specify nor exclude any one type of headset, it would then have been obvious to use any suitable speaker headphone

Art Unit: 2611

considered adequate for wearing, such as that used by Poon which has hinges, for the purpose of providing adjustability which accommodates fitting.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Claims 3, 8, 10, 12 and 14 appear allowable over the prior art.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor R. Kostak whose telephone number is 703 305-4374. The examiner can normally be reached on Monday - Friday from 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew I. Faile can be reached on 703 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703 308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

(703) 308-6306 (For either formal or informal communications intended for entry. For informal or draft communications, please label "PROPOSED" or "DRAFT")

Application/Control Number: 09/899,350

Page 6

Art Unit: 2611

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Victor R. Kostak  
Primary Examiner  
Art Unit 2611

VRK

